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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20584

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Amendment of Section 73.606(b) of the
Commission's Rules, TV Table of Allotments,
to allot Channel 54 to Benton, Arkansas

MM Docket No. _____

RM No. _____

To: Chief, Allocations Branch

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PETITION FOR RULEMAKING

Fant Broadcast Development, L.L.C. ("Fant"), pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to institute a rulemaking proceeding for the purpose of amending the TV Table of Allotments to allot Channel 54 to Benton, Arkansas, as that community's first local television service. Fant proposes to amend Section 73.606(b) of the Commission's rules as follows:

Channel No.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Benton, Arkansas	- - -	54

No change in the existing allotments is requested. In support of this request, the following is stated:

The city of Benton, Arkansas, is an incorporated community with a 1990 U.S. Census population of 18,177. As of January 1, 1995, its population was estimated to be 23,000.¹ Benton is the county seat of Saline County, and is a principal business center. It has its own post office and two zip codes, and is served by the Union Pacific Railroad.

¹ Source: Rand McNally Commercial Atlas & Marketing Guide, pp. 137, 262 (127th ed.) (1996), citing Sales and Marketing Management "1995 Survey of Buying Power."

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As demonstrated in the attached engineering exhibit, the coordinates of the proposed site meet the minimum distance separation requirements with respect to all known licenses, construction permits, pending applications, and pending rulemaking proceedings.


As stated above, the allotment of Channel 54 will provide Benton with a first local television service, which will promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various States and communities. 47 U.S.C. §307(b). See National Broadcasting Co. v. U.S., 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); FCC v. Allentown Broadcasting Co., 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). In addition, the proposed allotment will promote the second television allotment priority established in the Sixth Report and Order in Docket Nos. 8736 and 8975, 41 FCC 148, 167 (1952), of providing each community with at least one television broadcast station. The proposed allotment also will permit an additional network to serve the Little Rock-Pine Bluff television market. Therefore, the allotment will serve the public interest.

Contemporaneously herewith, the petitioner is filing an application for a construction permit for the new facility contingent upon the grant of the proposed allotment. In the event its application is granted, the petitioner will promptly construct the new facility.

WHEREFORE, in light of the foregoing, Fant Broadcast Development, L.L.C. respectfully requests the Commission to GRANT this petition for rulemaking, AMEND the TV Table of Allotments, and ALLOT Channel 54 to Benton, Arkansas, as that community's first local television service.

Respectfully submitted,

FANT BROADCAST DEVELOPMENT, L.L.C.

By: 
Anthony J. Fant, Member

July 23, 1996

WES, INC.
5925 CROMO DR
EL PASO, TX 79912

915-581-0306

ENGINEERING EXHIBIT RM:

**For Benton, AR
CH 54**

JUNE 14, 1996

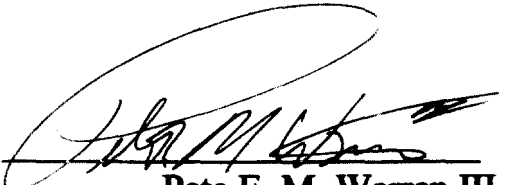
**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE TV TABLE OF ASSIGNMENTS**

WES, INC.

DECLARATION

I, Pete E. M. Warren III, declare and state that I am a Certified Engineer, Class I, Senior, with Master Endorsement radiating and non-radiating, by The National Association of Radio and Telecommunications Engineers, Inc., and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of WES, Inc., and that the firm has been retained to prepare an engineering statement in support of a Petition to Amend the TV Table of Assignments.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.



Pete E. M. Warren III

Executed on the 14th day of June, 1996

Narrative Statement

I. General

The purpose of this engineering statement is to support a request that the TV Table of Assignments be amended to add Ch. 54 at Benton, AR. The proposed channel has no short-spacing, as can be seen by the channel spacing study. A contingent application will be submitted.

It should be noted that the area in question is not within 320 kilometers (200 miles) of a US Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION

A. Proposed site:

We propose a site located at the following coordinates:

Latitude: 34 48 00

Longitude: 92 29 00

The allocation can be made within a wide area.

B. Channel Allocation Study

Exhibit 1 is a Channel Allocation Study of channel 54. The study indicates the required separation in kilometer to all known Licenses, construction Permits, Open Allocations, pending Allocations, and pending Rule Makings.

Exhibit 2 is a map of the resulting arcs indicating minimum separation and a large circle showing area to locate.

C. Public Interest Showing:

1. This would be the first allotment to Benton, AR. The petitioner believes that the requested channel addition is in the Public Interest and, therefore, should be granted by the Commission.
2. An additional station in the area would allow for carriage of a fifth network.

III. SUMMARY

Petitioner request that the TV Table of Assignments be amended as follows:

City	Present	Proposed
Benton, AR	None	54o

June 14, 1996



Pete E.M. Warren III

EXHIBIT #1

CHANNEL ALLOCATION STUDY

TV CHANNEL SPACING STUDY

by WES Inc.

Job title: BENTON AR
Channel: 54
Database file name: c:\tvsrc\tv960524.edx

Latitude: 34 48 0
Longitude: 92 29 30

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
54+	ALLOTM	5104	LONGVIEW	TX	2		219.6	329.8	280.8	49.0

***** End of channel 54 study *****

